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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/748,179

12/27/2000

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0826.1651

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05/19/2004

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EXAMINER

DAVIS, TEMICA M

ART UNIT

PAPER NUMBER

2681

6

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/748,179

**Applicant(s)**

TAKAYAMA ET AL.

**Examiner**

Temica M. Davis

**Art Unit**

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/31/03 and 2/26/04 have been fully considered but they are not persuasive.

Applicant argues that Peters fails to disclose providing services to a mobile unit in locationally defined areas. Applicant also argues that Peters fails to disclose freely settable area information for which there is a corresponding service for each area (i.e., each area defined by location provides a different service.

The examiner, however, disagrees. Peters discloses a communications system that allows a user of terminal that already has access to services while in different locations to have access to further services (i.e., richer set of services) while in other location areas (col. 2, line 49-col. 3, line 5). Peter further discloses that when a user mobile terminal in a specific area requests access to the richer set of services, access is denied because initially the systems believes that the user is not in the coverage area that provides the requested service (col. 8, lines 50-62).

However, the serving network notices that the mobile terminal's attempt to gain access to the richer services was denied. At this point, a network operator requests location information for different coverage areas. The system then determines that the mobile terminal is actually located in an area A2 where the desired service is accessible. After such determination, the mobile terminal's request for access is

successful. Thus, Peter does disclose wherein service is provided to a mobile terminal when the terminal is located in a locationally defined area.

Based on the above remarks, the rejection stands as set forth below.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters, U.S. Patent No. 6,397,072.

Regarding claim 1, Peters discloses a service system comprising: a storage device storing a plurality of pieces of freely settable area information and a plurality of service programs for respective different services, each piece of area information corresponding to each service program; a communication device receiving position information of a mobile station and service selection information; a selection device retrieving from the storage device a service program specified by the service selection information and area information corresponding to the specified service program; an area decision device making a decision of whether or not a position represented by the position information of the mobile station is included in an area represented by the

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retrieved area information; and an execution device executing the retrieved service program to provide a service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 2, Peters discloses the service system according to claim 1, wherein, when the position is not included in the area, the execution device notifies the mobile station that the mobile station is outside a service area (col. 9, lines 10-22).

Regarding claim 3, Peters discloses the service system according to claim 1, further comprising a user decision device, and wherein the storage device stores a plurality of pieces of user information each of which corresponds to a service program, the communication device receives user identification information, the selection device retrieves user information corresponding to the specified service program, the user decision device makes a decision of whether or not a user represented by the identification information corresponds to the retrieved user information, and the execution device executes the retrieved service program when the user corresponds to the retrieved user information (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 4, Peters discloses the service system according to claim 1, wherein the communication device receives one of position information sent from the mobile station and position information of a base station which have established communication with the mobile station, as the position information of the mobile station (col. 8, line 50-col. 9, line 26).

Regarding claim 5, Peters discloses a service system comprising: a storage device storing freely settable area information and a service program, the area

information corresponding to the service program; a communication device receiving position information of a mobile station; a decision device for making a decision of whether or not a position represented by the position information of the mobile station is included in an area represented by the area information; and an execution device executing the service program corresponding to the area information to provide a service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 6, Peters discloses a mobile station comprising: a communication device transmitting service selection information to a service system which stores a plurality of pieces of freely settable area information and a plurality of service programs for respective different services, each piece of area information corresponding to each service program; and a device receiving a service from the service system when the service system receives service selection information and position information of the mobile station, retrieves a service program specified by the service selection information and area information corresponding to the specified service program, makes a decision of whether or not a position represented by the position information of the mobile station is included in an area represented by the retrieved area information, and executes the retrieved service program based on a result indicating that the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 7, Peters discloses inherently a computer-readable recording medium recorded with a program for enabling a computer to perform: retrieving a

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specified service program from a storage device storing a plurality of pieces of freely settable area information and a plurality of service programs for respective different services, each piece of area information corresponding to each service program and area information which is stored corresponding to the specified service program; deciding whether or not a position of a mobile station is included in an area represented by the retrieved area information; and executing the retrieved service program to provide a service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 8, Peters discloses a service method comprising: storing a plurality of pieces of freely settable area information and a plurality of services for respective different services, each piece of area information corresponding to each service; deciding whether or not a position of a mobile station is included in an area represented by area information corresponding to a service selected by the mobile station; and providing the selected service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 9, Peters discloses a service system comprising: storage means for storing a plurality of pieces of freely settable area information and a plurality of service programs for respective different services, each piece of area information corresponding to each service program; communication means for receiving position information of a mobile station and service selection information; selection means for retrieving from the storage device a service program specified by the service selection information and area information corresponding to the specified service program; area

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decision means for making a decision of whether or not a position represented by the position information of the mobile station is included in an area represented by the retrieved area information; and execution means for executing the retrieved service program to provide a service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 10, Peters discloses a propagation signal for propagating a program to a computer, the program enabling the computer to perform: retrieving a specified service program and area information which is stored corresponding to the specified service program from a storage device storing a plurality of pieces of freely settable area information and a plurality of service programs for respective different services, each piece of area information corresponding to each service program; deciding whether or not a position of a mobile station is included in an area represented by the retrieved area information; and executing the retrieved service program to provide a service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 11, Peter discloses a service system, comprising a storage device storing area definition information for at least three areas and at least three service programs (and inherently the voice communication service) (col. 1, line 59-66) corresponding to the areas, where the service programs provide different services; a communication device receiving position information of a mobile station; a decision device making a decision of whether a position represented by the position information included in an area represented by the area information; and an execution device



executing the service program corresponding to the area information to provide a service to the mobile station when the position is included in the area (col. 7, lines 30-54, col. 8, line 14-col. 9, line26).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

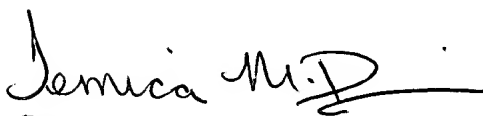
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached Monday-Friday (alternate Fridays) from 9:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis  
Examiner  
Art Unit 2681

May 17, 2004

  
TEMICA M. DAVIS  
PATENT EXAMINER

  
ERIKA GARY  
PATENT EXAMINER